

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RAPHAEL CHRISTOPHER, : **CIVIL ACTION NO. 1:04-CV-0977**

:
Plaintiff : **(Judge Conner)**

:
v. :

FREDERICK NESTLEROODE, et al., :

:
Defendants :

ORDER

AND NOW, this 31st day of May, 2005, upon consideration of the cross-motions for summary judgment, and it appearing that the several briefs submitted in support of and in opposition to the motions do not fully address the issues of whether “[t]raffic stops made outside the boundaries of an official’s authority violate the [federal] constitutional right to be free of unreasonable seizures” (Doc. 34 at 6), see, e.g., United States v. Di Re, 332 U.S. 581, 587-92 (1948); Santoni v. Potter, 369 F.3d 594, 598 (1st Cir. 2004); Pasiewicz v. Lake County Forest Pres. Dist., 270 F.2d 520, 526-27 (7th Cir. 2001); United States v. Mullin, 178 F.3d 334, 339-40 (5th Cir. 1999); United States v. Peach, 327 F. Supp. 2d 1081, 1085-86 (D.N.D. 2004); Horn v. City of Seat Pleasant, 57 F. Supp. 2d 219, 22-25 (D. Md. 1999); Madsen v. Park City, 6 F. Supp. 2d 938, 943-44 (N. D. Ill. 1998), whether information acquired in violation of state statutory investigative requirements may support a finding of reasonable suspicion or probable cause under the Fourth Amendment to the United States Constitution (Doc. 34 at 11), see, e.g., United States v. Stiver, 9 F.3d 298, 300 (3d Cir. 1993); Kenneth J. Melilli, Exclusion of Evidence in Federal

Prosecutions on the Basis of State Law, 22 GA. L. REV. 667 (1988), and whether under Pennsylvania law a sheriff enforcing the Motor Vehicle Code is a policymaker for the county or for the Commonwealth (Doc. 73), see McMillian v. Monroe County, 520 U.S. 781, 784-95 (1997); Williams v. Fedor, 69 F. Supp. 2d 649, 658-60 (M.D. Pa. 1999); Open Inns, Ltd. v. Chester County Sheriff's Dep't, 24 F. Supp. 2d 410, 422 (E.D. Pa. 1998), it is hereby ORDERED that the parties shall file supplemental briefs addressing the issues described in this order on or before June 7, 2005. No further briefs shall be filed without leave of court.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge